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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,645	12/29/2003	Wendy Lynn Behnke	18,694	6907

23556 7590 07/27/2004

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EXAMINER

GRILES, BETHANY L

ART UNIT PAPER NUMBER

3643

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,645

Applicant(s)

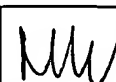
BEHNKE ET AL.

Examiner

Bethany L. Griles

Art Unit

3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-20 and 22-32 is/are rejected.
- 7) ☐ Claim(s) 9-11 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0714</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lennon US 5524575.

3. Regarding claims 1, 27 Lennon discloses a first layer (see rubber layer 42 resting on palm area of glove in figure 5A) having a first layer perimetric edge, and wherein the first material is hook material having hooks 43 (see col 3, lines 25-28 which describe the various shapes of element 43—Examiner asserts that “undulations (eg. ridges and valleys)” could be interpreted as “hooks”) adapted to capture detritus; and a second layer 41 wherein the second layer has a second layer perimetric edge and wherein at least a portion of the second layer perimetric edge is coupled to the first layer (fig 5B) such that the first and second layers define a bag-like space that is at least partially enclosed (see fig 5A).

4. Regarding claim 2, Lennon discloses the first material is a micro-hook material (col 3, line 25 discloses the use of “Velcro”).

5. Regarding claims 3 and 4, Lennon discloses the second material 41 is a nonwoven, elastomeric material (col 3, lines 25-26 disclose “latex or other soft rubber” for the palm portion of the mitt).

6. Regarding claim 5, Lennon discloses the use of “Velcro” in the palm of the mitt (col 3, line 25).

7. Regarding claim 6, Lennon discloses the device is a mitt 40.

8. Regarding claim 8, Lennon discloses the device can be used as a tool cover (fig 6 and col 3, lines 31-34 disclose that the device can be attached to a vacuum cleaner head, which Examiner asserts is a tool which can be and is commonly used to groom long-haired animals).

9. Regarding claim 12, Lennon discloses a thumb space (see fig 5A which depicts a well-known “mitten” shape, with a space for the user’s thumb separate from the main body of the structure 40).

10. Regarding claims 14 and 15, Lennon discloses the first layer (which includes the “hook” surface) includes adhesive (col 3, line 4 discloses that the rubber surface has “a higher coefficient of friction” which would act as an adhesive).

11. Regarding claim 20, Lennon discloses that the device is disposable, in that it (and most any other item) can be disposed of as desired by the user.

12. Regarding claims 22 and 24, Lennon discloses that the device is sized to enclose a human hand or grooming tool (see figs 5A and 6, respectively).

13. Regarding claims 26 and 28, Lennon discloses a bag-like body 40 including an outer surface including micro-hook material (col 3, line 25 discloses the use of “Velcro”); and an interior space, where the body 40 is adapted to be turned inside-out to create a second interior space, as there is no structure disclosed by Lennon which would inhibit the user from turning the device inside-out if so desired.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 7, 25, and 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon in view of McAlister (US5724911).

16. Regarding claims 7 and 30, Lennon substantill discloses the features of the immediate invention, as previously discussed in claim 1.

17. Lennon does not disclose that the device is used as a pet bed cover.

18. McAlister discloses a sheet comprising a plurality of layers of raw, unwoven, uncovered polyester covering a pet bed (see McAlister abstract, lines 2-3).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of McAlister of a sheet of nonwoven material to cover a pet's bed to the grooming device disclosed by Lennon in order to make grooming of the animal possible in the most passive and non-invasive manner for the animal.

20. Regarding claim 31, Lennon discloses the body 40 is adapted to be turned inside-out to create a second interior space, as there is no structure disclosed by Lennon which would inhibit the user from turning the device inside-out if so desired.

21. Lennon does not disclose that the device is used as a pet bed cover.

22. McAlister discloses a sheet comprising a plurality of layers of raw, unwoven, uncovered polyester covering a pet bed (see McAlister abstract, lines 2-3).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of McAlister of a sheet of nonwoven material to cover a pet's bed to the grooming device disclosed by Lennon in order to make grooming of the animal possible in the most passive and non-invasive manner for the animal.

24. Claims 16, 19, and 25, 29, 17 and 18 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon in view of Reo US5864883.

25. Regarding claims 16, 19, 25, 29 and 32 Lennon substantially discloses the device as previously described in claim 1.

26. Lennon does not disclose the device has a sealing mechanism in the form of an adhesive.

27. Reo discloses a sealing mechanism 16, 18 in the form of an adhesive (col 2, line 46).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Reo of an adhesive sealing mechanism to the invention of Lennon, as such a mechanism would prevent detritous from falling out of the device after it was collected.

29. Regarding claims 17 and 18, hook material and zipper-like devices are functional equivalents of adhesive, and it is old and notoriously well known in the art to substitute these structures for adhesive in sealing items.

***Allowable Subject Matter***

30. Claims 9-11 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WO03045135A2 Hasler discloses microfibers on a cleaning mitt; Jackson US3754125; Anderson US4457640; Udelle et al. US5517946; Curry US5690057; Woodard US6024970; Roche USDes422758; Rubenstein USDes423151; Karlsson US6230659; Ward Gilley US6237971; May et al. US6481766; Valles US3103029; Vian US3040352.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
blg

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